

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

2009 MAR 31 AM 10:33

UNITED STATES OF AMERICA )

CLERK *M. Jane*  
SO. DIST. OF GA.

v. )

CASE NO. CR596-005

THOMAS F. JENKINS, a/k/a Tom )

Tom, )

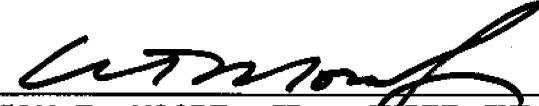
Defendant. )

O R D E R

This case is on remand from the Eleventh Circuit Court of Appeals. (Doc. 559.) In its Order, the Court of Appeals noted that Defendant's January 27, 2009 Notice of Appeal (Doc. 554) of this Court's January 9, 2009 Order dismissing Defendant's Motion for Reconsideration (Doc. 552) was untimely. See Fed. R. App. P. 4(b)(1)(A) (requiring notice of appeal in criminal case to be filed within ten days of entry of judgment or order being appealed from). As a result, the Court of Appeals remanded the case to this Court for a determination of whether Defendant is entitled to an extension of time to file his Notice of Appeal due to excusable neglect or good cause. See id. 4(b)(4) (allowing up to thirty-day extension of time to appeal upon showing of excusable neglect or good cause for failure to file timely notice of appeal).

Accordingly, the Court refers this case to the Magistrate Judge to discern the cause of Defendant's delay.

SO ORDERED this 31<sup>st</sup> day of March, 2009.

  
WILLIAM T. MOORE, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA